

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

FRED S. SILVERMAN  
JUDGE

NEW CASTLE COUNTY COURTHOUSE  
500 North King Street, Suite 10400  
Wilmington, DE 19801-3733  
Telephone (302) 255-0669

May 20, 2010

**(VIA E-FILED)**

Ms. Cathy Howard  
Clerk of the Supreme Court  
Supreme Court of Delaware  
55 The Green  
Dover, DE 19901

RE: *Craig Zebroski v. State of Delaware*  
*No. 186, 2009 - ID No. 9604017809*

Dear Ms. Howard:

On May 14, 2010, I issued the decision called for by the Supreme Court's remand. You accepted the file on Saturday, May 15, 2010. As it happened, on Monday, May 17, 2010, the United States Supreme Court issued *Graham v. Florida*.<sup>1</sup>

*Graham* extends the rule announced in *Roper v. Simmons*.<sup>2</sup> *Roper* holds that applying the death penalty to a juvenile is unconstitutional. Following the reasoning in *Roper*, *Graham* holds that the Constitution also prohibits sentencing a juvenile to life without probation or parole. I have considered *Graham* and I do not believe it has any bearing on this case. Basically, as mentioned above, *Graham* merely expands the holding in *Roper*. Otherwise, *Graham* endorses the categorical distinction between adults and juveniles for sentencing purposes.

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<sup>1</sup>--- U.S. ---, --- S.Ct. ---, --- L.Ed.2d ---, 2010 WL 1946731 (2010).

<sup>2</sup>543 U.S. 551 (2005).

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Please convey my thoughts about *Graham* to the Court. My hope is that this letter will make it unnecessary for further remand to allow this court to address *Graham*.

Very truly yours,

/s/ Fred S. Silverman

FSS: mes  
oc: Prothonotary (Civil)  
Loren C. Meyers, Deputy Attorney General  
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